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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,272	03/12/2004	Richard Garrett Moore	09710-1219	1309
7590	09/07/2005		EXAMINER	
WORLDCOM, Inc. Technology Law Department 1133 19th ST, NW WASHINGTON, DC 20036			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/800,272	MOORE, RICHARD GARRETT	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure

1. The information disclosure statement submitted on July 7, 2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-41** are rejected under 35 U.S.C. 102(e) as being anticipated by Gao et al. (US 6,707,890 B1).

Regarding **claim(s) 1, 14, 40 and 41**, Gao discloses a method for supporting telephony services over a data network (FIG. 1 and column 1, lines 4-7), the method comprising:

retrieving message waiting indication information from a voice mail system designated by a user, wherein the message waiting indication information specifies

existence, within the voice mail system, of a voice mail message for the user (FIG. 3 and column 3, lines 31-42);

determining an instant communication client of the user (FIG. 3 and column 3, lines 51-56); and

forwarding the message waiting indication information over the data network to the instant communication client for display (FIG. 3 and column 3, lines 57-60).

Regarding **claim(s) 2, 15 and 28**, Gao discloses a method, wherein the voice mail system is among a plurality of voice mail systems associated with the user, the method further comprising: receiving another message waiting indication information associated with a different one of the voice mail systems (FIG. 1 and column 2, lines 32-41); and

forwarding the other message waiting indication information to the instant communication client, wherein the instant communication client displays the plurality of message waiting indication information concurrently (FIG. 1 and column 3, lines 1-15).

Regarding **claim(s) 3, 16 and 29**, Gao discloses a method, wherein the instant communication client is among a plurality of instant communication clients, the method further comprising: forwarding the message waiting indication information to one or more of the instant communication clients (FIG. 1 and column 3, lines 1-15).

Regarding **claim(s) 4, 17 and 30**, Gao discloses a method, further comprising: accessing a user database for a profile of the user, wherein the profile specifies the voice mail system and the instant communication client for displaying the message waiting indication information (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 5, 18 and 31**, Gao discloses a method, further comprising: receiving a request to modify the profile of the user (FIG. 2 and column 3, lines 43-50); and

modifying the profile based on the request (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 6, 19 and 32**, Gao discloses a method, wherein the instant communication client is resident on one of a computer system, a Personal Digital Assistant, a cellular phone, a gaming console, and a web appliance (FIG. 1 and column 2, lines 32-41).

Regarding **claim(s) 7, 20 and 33**, Gao discloses a method, the method further comprising: receiving an identifier associated with a called station served by the voice mail system (FIG. 2 and column 3, lines 43-50); and

forwarding the identifier to the instant communication client, wherein the instant communication client displays the identifier along with the message waiting indication information (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 8, 21 and 34**, Gao discloses a method, wherein the identifier is derived from one of a Dialed Number identification Service number and Automatic Number Identification (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 9, 22 and 35**, Gao discloses a method, the method further comprising: determining whether the instant communication client is available (FIG. 2 and column 3, lines 51-53); and

if the instant communication client is not available, storing the message waiting indication information for later delivery (FIG. 2 and column 3, lines 62-64).

Regarding **claim(s) 10, 23 and 36**, Gao discloses a method, the method further comprising: appending supplemental information including one of time stamp information and advertisement information to the message waiting indication information (FIG. 2 and column 3, lines 62-64).

Regarding **claim(s) 11, 24 and 37**, Gao discloses a method, the method further comprising: associating a user with one or more voice mail systems (FIG. 1 and column 3, lines 1-15); and

associating the user with one or more instant communication clients including the instant communication client (FIG. 1 and column 3, lines 1-15).

Regarding **claim(s) 12, 25 and 38**, Gao discloses a method, the method further comprising: generating a command message to the voice mail system to activate or deactivate message waiting indication function of the voice mail system (FIG. 2 and column 3, lines 57-61).

Regarding **claim(s) 13, 26 and 39**, Gao discloses a method, the method further comprising: generating a voice mail indicator message to notify a computing system hosting the instant communication client or an intermediate system, wherein the voice mail indicator message includes an identification field for the instant communication client and one or more fields indicating presence of voicemail in respective voice mail systems (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 27**, Gao discloses all the limitations of **claim(s) 27** as stated in **claim(s) 1'** s rejection and furthermore Gao discloses a gateway (140 on FIG. 1) and a server (130 on FIG. 1).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
September 5, 2005